

EXHIBIT 1

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53 FR 52829

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

AGENCY: Bureau of Indian Affairs, Interior.

53 FR **52829**

December 29, 1988

Indian Entities Recognized and Eligible To Receive Services From the United States Bureau of Indian Affairs

ACTION: Notice.

SUMMARY: Notice is hereby given that the annual update of the list of entities recognized and eligible for funding and services from the Bureau of Indian Affairs is published pursuant to 25 CFR Part 83.

FOR FURTHER INFORMATION CONTACT: Bureau of Indian Affairs, Division of Tribal Government Services, 18th & C Streets NW., Washington, DC 20240, telephone number: (202) 343-7445.

TEXT:

SUPPLEMENTARY INFORMATION: This notice is published in exercise of authority delegated to the Assistant Secretary-Indian Affairs under 25 U.S.C. 2 and 9 and 209 DM 8.

Indian Tribal Entities* Within the Contiguous 48 States Recognized and Eligible To Receive Services From the United States Bureau of Indian Affairs

nAbsentee-Shawnee Tribe of Indians of Oklahoma

n* Includes within its meaning Indian tribes, bands, villages, communities and pueblos as well as Alaska Native entities.

Agua Caliente Band of Cahuilla Indians of the Agua Caliente Indian Reservation, California

Ak Chin Indian Community of Papago Indians of the Maricopa, Ak Chin Reservation, Arizona

Alabama and Coushatta Tribes of Texas

Winnemucca Indian Colony of Nevada

Wisconsin Winnebago Indian Tribe of Wisconsin

Wyandotte Tribe of Oklahoma

Yankton Sioux Tribe of South Dakota

Yavapai-Apache Indian Community of the Camp Verde Reservation, Arizona

Yavapai-Prescott Tribe of the Yavapai Reservation, Arizona

Yerington Paiute Tribe of the Yerington Colony & Campbell Ranch, Nevada

Yomba Shoshone Tribe of the Yomba Reservation, Nevada

Ysleta Del Sur Pueblo of Texas

Yurok Tribe of the Hoopa Valley Reservation, California

Zuni Tribe of the Zuni Reservation, New Mexico

Native Entities Within the State of Alaska Recognized and Eligible To Receive Services From the United States Bureau of Indian Affairs

The following are those Alaska entities which are recognized and eligible to receive funding and services from the Bureau of Indian Affairs. The purpose of this updated list is: (1) To comply with the regulatory requirement of annual publication pursuant to 25 CFR Part 83, (2) to reflect the Alaska entities which are statutorily eligible for funding and services from the Bureau of Indian Affairs, (3) to make it easier for previously unlisted, but statutorily eligible, entities to receive funding and services, and in so doing, (4) to describe the criteria used for inclusion on the list and for making additions. ✓

All of the entities previously listed in the 1986 Federal Register publication are included in this list. However, the number of entities listed on the Alaska Native Entities section is approximately doubled on the basis of express Congressional recognition of the types of entities in Alaska eligible to receive funding or services from the Bureau of Indian Affairs. The additional entities are included without the necessity of completing the Federal Acknowledgment Process because of more explicit statutory provisions on groups eligible to receive funding and services on behalf of Alaska Natives.

The Federal Acknowledgment Procedures contained in 25 CFR Part 83 set forth a procedure whereby Indian groups may document their existence as tribes with a special relationship to the United States such as to qualify for funding and services as an "Indian tribe, organized band, pueblo or community." Section 83.6(b) requires that the Secretary publish a list of

Indian tribes already recognized and receiving funding and services from the Department, groups to which the Federal Acknowledgment Procedures accordingly do not apply. This list is published pursuant to § 83.6(b).

The Department first published a list of Indian Tribal Entities on February 6, 1979, with the notation that "[t]he list of eligible Alaskan entities will be published at a later date." Subsequently, the Department published an updated list on November 24, 1982, to which it appended a list of "Alaska Native Entities Recognized and Eligible to Receive Services From the United States Bureau of Indian Affairs." The preamble which described the scope and purpose of the Alaska list stated "[w]hile eligibility for services administered by the Bureau of Indian Affairs is generally limited to historical tribes and communities of Indians residing on reservations, and their members, unique circumstances have made eligible additional entities in Alaska which are not historical tribes. Such circumstances have resulted in multiple, overlapping eligibility of Native entities in Alaska. To alleviate any confusion which might arise from publication of a multiple eligibility listing, the following preliminary list shows those entities to which the Bureau of Indian Affairs gives priority for purposes of funding and services." 47 FR 53133-53134 (1982). This preamble was inadvertently dropped from the subsequent lists.

A number of Alaska Native Entities have complained to the Department that they were omitted from previous lists despite the fact that they are receiving funding and services from the Bureau of Indian Affairs and qualify for such under the statutes that have established the programs of the Bureau. Some do not believe they should have to submit all of the documentation required of an Indian tribe under Part 83 to continue to receive benefits previously provided. Other departments have also made inquiry about the eligibility for their programs of entities included on or omitted from the 1982 Alaska Native Entities List. In addition, there has been confusion on whether inclusion on or exclusion from the Alaska Native Entities List constitutes an official determination of the United States government as to the governmental powers of particular Alaska villages or entities over non-members or territory.

The Department agrees that Alaska Native entities which satisfy the criteria listed below, and therefore are specifically eligible for the funding and services of the Bureau by statute, should not have to undertake to obtain Federal Acknowledgment pursuant to Part 83. We agree they should be included in the publication required by § 83.6(b) without further review.

However, inclusion on a list of entities already receiving and eligible for Bureau funding and services does not constitute a determination that the entity either would or would not qualify for Federal Acknowledgment under the regulations, but only that no such effort is necessary in order to preserve eligibility. Furthermore, inclusion on or exclusion from this list of any entity should not be construed to be a determination by this Department as to the extent of the powers and authority of that entity.

The principal demand by the Bureau and other federal agencies is for a list of organizations which are eligible for their funding and services based on their inclusion in categories frequently mentioned in statutes concerning federal programs for Indians. General federal Indian statutes provide that the Bureau serve tribes which are usually defined as "any Indian Tribe, band, nation, rancheria, pueblo, colony or community." With respect to Alaska, Congress has provided additional guidance as to whom we should provide services. The 1936 amendments to the Indian Reorganization Act, applicable only to Alaska, authorized groups to organize as tribes which are not historical tribes and are not residing on reservations. They include groups having a "common bond of occupation or association, or residence within a well-defined neighborhood, community, or rural district." 25 U.S.C. § 473a. More recently, Indian statutes, such as the Indian Self-Determination Act, n1 specifically include Alaska Native villages, village corporations and regional corporations defined or established under the Alaska Native Claims Settlement Act (ANCSA).

n 1 For purposes of the Indian Self-Determination Act, Indian tribe is defined to include "any Indian tribe, band, nation, or other organized group or community, including any Alaska Native village or regional or village corporation as defined in or established pursuant to the Alaska Claims Settlement Act which is recognized as eligible for the special programs and services provided by the United States to Indians because of their status as Indians. . . ." This definition includes criteria 1, 2, 3, 4 and 9.

Therefore, this list includes all of the Alaska entities meeting any of the following criteria which are used in one or more Federal statutes for the benefit of Alaska Natives: ✓

1. "Tribes" as defined or established under the Indian Reorganization Act as supplemented by the Alaska Native Act. ✓
2. Alaska Native Villages defined in or established pursuant to the Alaska Native Claims Settlement Act (ANCSA). n2 ✓

n 2 ANCSA defines a Native village as: "any tribe, band, clan, group, village, community or association in Alaska listed in [43 U.S.C. 1610 or 1615], or which meets the requirements of this chapter, and which the Secretary determines was . . . composed of twenty-five or more Natives." 43 U.S.C. 1602(c). ✓

3. Village corporations defined in or established pursuant to ANCSA.
4. Regional corporations defined in or established pursuant to ANCSA.
5. Urban corporations defined in or established pursuant to ANCSA.
6. Alaska Native groups defined in or established pursuant to ANCSA.
7. Alaska Native group corporations defined in or established pursuant to ANCSA.
8. Alaska Native entities that receive assistance from the Bureau in matters relating to the settlement of claims against the United States government, such as in the Act of June 19, 1935, ♦ Pub. L. 74-152, as amended by the Act of August 19, 1965, ♦ Pub. L. 89-130 and
9. Tribes which have petitioned to be acknowledged and have been determined to exist as tribes pursuant to 25 CFR Part 83.

Any Alaska village or entity not listed herein may still seek to obtain Federal Acknowledgment by following the procedures in 25 CFR Part 83 or may be added to the list by demonstrating that they meet one of the nine criteria above.

We are concerned, however, that applying the criteria presently contained in Part 83 to Alaska may be unduly burdensome for the many small Alaska organizations. Alaska, with small pockets of Natives living in isolated locations scattered throughout the state, may not have extensive documentation on its history during the 1800's and early 1900's much less the even earlier periods commonly researched for groups in the lower-48. While it is fair to require groups in the lower-48 states to produce such documentation because they are located in areas where no group could exist without being the subject of detailed written records, insistence on the same formality for those Alaska groups might penalize them simply for being located in an area that was, until recently, extremely isolated. Consequently, the Bureau, in

consultation with Indians and Alaska Natives, will review the present acknowledgment process to determine if a modified process is needed so that Alaska organizations may seek inclusion on the list of entities recognized and eligible for services without using the present procedure which may be unduly burdensome.

Other Federal agencies should be aware that some statutes authorize the government to serve other organizations which are not listed while others specify only some of the criteria listed above. Therefore, each agency must look at its particular statutory authorities to make a final eligibility determination.

Afognak

Ahkiok-Kaguyak Native Corp.

AHTNA, Inc. (Cantwell, Chistochina, Copper Center, Gakona, Gulkana, Mentasta & Tazlina)

AHTNA, Incorporated

Akhiok

Akiachak, Ltd.

Akiachak

Akiachak, Akiachak Native Community

Akiak

Akiak Native Community

Akutan Corp.

Akutan

Alakanuk Native Corp.

Alakanuk

Alaska Peninsula Corporation (Kokhanok, Newhalen, Port Heiden, South Naknek & Ugashek)

Unga

Unga Corporation

Upper Kalskag

Uyak

Uyak Natives, Inc.

Venetie, Native Village of Venetie

Venetie

Wainwright

Wales Native Corporation

Wales

Wales, Native Village of Wales

White Mountain, Native Village of White Mountain

White Mountain Native Corporation

White Mountain

Woody Island

Wrangell Cooperative Association

Yak-tat Kwaan, Inc. (Yakutat)


Yakutat

Zho-Tse, Inc. (Shageluk)

Ross O. Swimmer,

Assistant Secretary, Indian Affairs.
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